

HOUSE No. 1012

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Soter, (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to improve public access to healthy food through enhanced food traceability within the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Azita Sharif</i>	<i>One Broadway, 14th Floor, Cambridge, MA 02142</i>	<i>2/8/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>4/14/2021</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>4/16/2021</i>
<i>James M. Kelcourse</i>	<i>1st Essex</i>	<i>6/7/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>6/9/2021</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>6/9/2021</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>6/30/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>8/11/2021</i>

HOUSE No. 1012

By Mr. Soter of Bellingham (by request), a petition (accompanied by bill, House, No. 1012) of Azita Sharif for legislation to enhance food traceability and promote local farms. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act to improve public access to healthy food through enhanced food traceability within the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 [Legislative Statement]

2 The quality and security of our local and global food supply chain directly affects public
3 health. Throughout the United States, over 1,000 sites have been identified by the Environmental
4 Protection Agency (EPA) due to environmental contamination of hazardous waste, commonly
5 known as “Superfund”. A credible public health concern arises when considering the proximity
6 of Superfund sites to farms that grow and raise goods for human consumption.

7 Enhanced traceability measures will allow consumers to learn more about where food
8 items have originated and weed out goods that pose risk to the supply chain and public health.
9 The Commonwealth shall adopt a scannable data matrix barcode (Mandated Scannable Barcode,
10 MSB) on all applicable locally sourced goods grown, raised, caught, or harvested, and sold in the
11 Commonwealth. The barcode shall include: the zip code or latitude and longitude of the food

12 source, UPC/PLU of the product, and the shipment date from the point of origin. These three
13 pieces of information enable consumers determine the potential contamination in the food and
14 so, they can make informed decision on what to purchase for consumption.

15 When more information is readily available, the potential of consuming contaminated
16 goods drastically decreases. The eradication of environmentally contaminated goods in the food
17 supply chain, may well have long-lasting implications by reducing the number of Americans
18 diagnosed with Immune System Disorders (ISDs), including cancer and related diseases.
19 Furthermore, by removing contamination which are stress agents, our immune systems will be
20 less stressed, enabling harnessing it more effectively to fight diseases including COVID.

21 The general welfare of all residents of the Commonwealth can be protected through
22 preventative healthcare while simultaneously strengthening the position of more than 7,000
23 farms throughout the state, through adoption of enhanced traceability measures. Buying local
24 matters. Adoption will benefit our economy, local farms, and the public health of the
25 Commonwealth's general population.

26 SECTION 1. The General Laws are hereby amended by inserting after chapter 132B the
27 following chapter: CHAPTER 132C. MASSACHUSETTS FOOD TRACEABILITY

28 Section 1. As used in this chapter, the following words shall, unless the context clearly
29 requires otherwise, have the following meanings:

30 “Department”, Department of Agricultural Resources.

31 “Farm”, cultivation and tillage of the soil, dairying, the production, cultivation, growing
32 and harvesting of any agricultural commodities, the raising of livestock, the keeping and raising
33 of poultry, swine, cattle and other domesticated animals used for food purposes.

34 “Farmers Market”, a food market, located in a Massachusetts city or town, where
35 Massachusetts farmers sell goods they have produced, caught or harvested, directly to the public.

36 “Initiative”, Massachusetts Healthy Farms Initiative.

37 “Locally Sourced Goods”, all fresh, packaged and unpackaged, produce, meat, poultry,
38 fish, shellfish grown, raised, caught or harvested, by farms or commercial fisherman located
39 within the Commonwealth. Processed goods are exempt.

40 “Mandated Scannable Barcode” or “MSB”, two-dimensional (2D) scannable data matrix
41 barcode, utilizing a small area of square modules, capable of embedding characters, numbers and
42 text, in a unique perimeter pattern that can be deciphered by a scanner. Barcode scanners and
43 smart devices, including but not limited to, cell phones and tablets with camera functionality can
44 capture MSB, ascertaining embedded information including: (i) zip code or latitude and
45 longitude of the food source; (ii) UPC/PLU of the product; (iii) shipment date from the point of
46 origin.

47 “Packaging facility”, an establishment utilized to package locally sourced goods.

48

49 “Point of origin”, the location of a locally sourced good grown, raised, caught, or
50 harvested.

51 “Price Look Up Codes or PLU”, a code comprised of a 4- or 5-digit number, as assigned
52 by the International Federation for Produce Standards, that uniquely identifies bulk produce
53 goods sold in stores.

54 “Store”, a retail establishment, person, corporation, partnership, business venture, or
55 vendor that sells or provides locally sourced goods directly to a consumer, including but not
56 limited to, grocery stores, farm stores or stands, and farmers markets.

57 “Superfund”, a contaminated site, designated by the Environmental Protection Agency,
58 due to dumping or improper management of hazardous waste. This includes, but is not limited to,
59 manufacturing facilities, processing plants, and landfills.

60 “Universal Product Code or UPC”, a machine-readable barcode, that is printed on the
61 packaging of a good, utilized for specific identification of such good. The barcode is comprised
62 of unique black bars and a unique 12-digit number that is displayed beneath the bars.

63 “Wholesale dealer”, any person who distributes fish commercially in bulk or for resale by
64 a dealer, or who operates branch stores for the retail sale of locally sourced seafood.

65 [MSB]

66 Section 2. (a) Notwithstanding any special or general law to the contrary, the mandated
67 scannable barcode shall apply to all packaged and unpackaged locally sourced goods,
68 sold in Massachusetts stores.

69 (b) MSB shall include: (i) zip code or latitude and longitude of the food source; (ii)
70 UPC/PLU of the product; (iii) shipment date from the point of origin.

71 (c) Farms selling locally sourced goods directly to customers on site or at farmers
72 markets shall meet at least one of the following: (i) incorporate MSB onto food label or affix
73 locally sourced good with printed MSB sticker; (ii) post MSB on a sign in the vicinity of locally
74 sourced good, that is easily accessible to the customer and clearly identified with the product
75 name; (iii) MSB is printed on a physical receipt; (iv) MSB is included in an emailed receipt sent
76 to the customer.

77 (d) Farms selling locally sourced unpackaged goods, including but not limited to, fresh
78 fruit, vegetables, meat and poultry, directly to stores, shall provide at least 1 MSB per segmented
79 crate of goods. MSB shall include: (i) zip code of the food source; (ii) UPC/PLU of product; (iii)
80 shipment date from the point of origin. Locally sourced goods shall be categorized by type and
81 by the shipment date from the point of origin.

82 (e) Commercial fishermen selling locally sourced goods directly to customers on site or
83 at farmers markets shall meet at least one of the following: (i) incorporate MSB onto food label
84 or affix locally sourced good with printed MSB sticker; (ii) post MSB on a sign in the vicinity of
85 locally sourced good, that is easily accessible to the customer and clearly identified with the
86 product name; (iii) MSB is printed on a physical receipt; (iv) MSB is included in an emailed
87 receipt sent to the customer. MSB shall include: (i) latitude and longitude of where the good was
88 caught or harvested; (ii) UPC/PLU of product; (iii) shipment date from the point of origin.

89 (f) Commercial fishermen selling locally sourced unpackaged goods, including but not
90 limited to fish, clams, and lobster, directly to stores or wholesale dealer, shall provide at least 1
91 MSB per segmented crate of goods. MSB shall include: (i) latitude and longitude of where the
92 good was caught or harvested; (ii) UPC/PLU of product; (iii) shipment date from the point of

93 origin. Locally sourced goods shall be categorized by type and by the shipment date from the
94 point of origin.

95 (g) MSB shall be incorporated onto food label for all locally sourced goods that require
96 packaging, at the time of packaging, prior to sale.

97 (h) Packaging that occurs at the point of origin, farm or otherwise, shall incorporate MSB
98 onto the food label. MSB shall include: (i) zip code or latitude and longitude of the food source;

99 (ii) UPC/PLU of product; (iii) shipment date from the point of origin.

100 (i) The farm or fisherman shall provide at least 1 MSB per segmented crate of goods for
101 packaging that occurs away from the point of origin, including but not limited to, a packaging
102 facility or store. Locally sourced goods shall be categorized by type and by the shipment date
103 from the point of origin. MSB shall include: (i) zip code or latitude and longitude of the food
104 source; (ii) UPC/PLU of product; (iii) shipment date from the point of origin. At the time of
105 packaging, a new MSB shall be incorporated into the food label, utilizing the information
106 provided.

107 (j) Stores selling locally sourced goods shall ensure that MSB is available for all goods
108 offered and is accessible for all customers.

109

110 (k) Stores selling packaged and unpackaged locally sourced goods, shall meet at least one
111 of the following: (i) incorporate MSB onto food label or affix locally sourced good with printed
112 MSB sticker; (ii) post MSB on a sign in the vicinity of locally sourced good, that is easily

113 accessible to the customer and clearly identified with the product name; (iii) MSB is printed on a
114 physical receipt; (iv) MSB is included in an emailed receipt sent to the customer.

115 (l) MSB or required information to create MSB shall be provided to the store for all loose
116 and packaged locally sourced goods from the farm or fishermen, or packaging plant.

117 (m) 6 months from the date of enactment, MSB requirements shall be implemented.

118 [Application & Software Development]

119 SECTION 3. Application and software development for consumer use is vendor agnostic.
120 The information catalogued is publicly available, open for all innovation in product
121 development, resulting in job creation.

122 Applications designed for consumer use shall allow the user to scan the barcode with a
123 smart phone or tablet, to showcase the embedded information.

124 Applications designed for consumer use shall at least provide: (i) zip code of the food
125 source (ii) name of the locally sourced good; (iii) shipment date from the point of origin.

126 Applications designed for consumer use shall utilize a color-coding system of green,
127 yellow, and red for all locally sourced goods, indicating the safety of the food. The color green
128 shall indicate the locally sourced good is contaminant free and safe to consume. The color yellow
129 shall indicate the locally sourced good may be contaminated, based on the proximity to a
130 superfund site and to proceed with caution. The color red shall indicate the locally sourced good
131 is likely contaminated, based on the proximity to a superfund site and consuming the good is not
132 advisable.

133 [Soil & Water Quality/Remediation]

134 SECTION 4. Notwithstanding any special or general law to the contrary, there shall be a
135 division of “Massachusetts Healthy Farms Initiative” in the department of agricultural resources.
136 The initiative is intended to certify to consumers, that locally sourced goods grown and raised on
137 participating farmland, is free of harmful contaminants. Farms that seek to join the initiative
138 must conduct soil and water tests on site and submit the analysis to the department for review.
139 Targeted contaminants for analysis shall be modeled after the Environmental Protection
140 Agency’s list, that is utilized for Superfund site locations. Farmland with soil and water that does
141 not exceed determined safety thresholds for all targeted contaminants, will qualify for the
142 initiative. Upon acceptance, the initiative will provide a certificate, verifying compliance.

143 The initiative shall encourage farms in the Commonwealth to participate in soil and water
144 quality testing. Testing and certification is a marketable opportunity for farms in the
145 Commonwealth and an incentive for customers to buy local. Certification is a definitive indicator
146 that goods produced are of the highest quality and safe for consumption.

147 SECTION 5. Notwithstanding any special or general law to the contrary, there shall be a
148 task force to comprehensively study the impact of superfund sites on farms located in the
149 Commonwealth and need for potential remediation. The task force shall consist of 8 members: 2
150 of whom shall be designated by the governor, 1 of whom shall be designated by the senate
151 president, 1 of whom shall be designated by the senate minority leader, 1 of whom shall be
152 appointed by the speaker of the house, 1 of whom shall be appointed by the house minority
153 leader, 1 of whom shall be the secretary of health and human services or their designee, 1 of
154 whom shall be the secretary of energy and environmental affairs or their designee. The task force
155 shall be comprised collectively with expertise in, environmental chemistry, health risk

156 assessment/environmental exposure, cost benefit analysis/financial risk management, health care
157 costs, land remediation, and local agriculture.

158 The task force shall: (i) Review the number of farms located within a 10-mile radius of a
159 Superfund site; (ii) determine number of farms that may require remediation; (iii) calculate
160 potential economic impact; (iv) coordinate with farms that require remediation.

161 The task force shall file a report containing its findings and recommendations, including
162 legislation necessary to carry out its recommendations, including funding to cover all
163 remediation that is required due to contamination resulting from a neighboring Superfund, with
164 the clerks of the senate and the house of representatives, the chairs of the joint committee on
165 public health, and the chairs of the senate and house committees on ways and means not later
166 than December 9, 2022.